

Remarks

Claims 1, 3, 5-9, 15-24, and 27-37 are currently pending, and claims 1, 5, 8, 9, 17, 19, 21, 23, 24 and 27 have been amended while claims 29-38 have been added.

Applicants assert that all claims are in condition for allowance as set forth more fully below.

Interview Summary

The undersigned participated in a telephone interview with the Examiner on December 1, 2004. During the interview, deficiencies in the Hendrey reference were discussed in relation to subject matter of the present invention. Namely, it was discussed that Hendrey fails to disclose calculating the cost of messages prior to them being sent and fails to disclose filtering text of messages.

102 Rejections

Claims 1-11, 13, 14, and 16-28 stand rejected under 35 USC 102(e) as being anticipated by Hendrey (US Pat 6,647,269). It is stated that Hendrey teaches all of the elements of these claims. Applicants respectfully traverse these rejections.

Claims 1, 3, 5-9, 15, and 16

Amended claim 1 recites, in part, a cost calculator module in communication with the advertiser module for automatically calculating a cost of transmitting the text message to each of the mobile subscribers that satisfy the criterion in response to receiving the content and prior to the text message being sent. Thus, the cost of the text message is determined once the message has been received and prior to it being sent. This is significant because, for example, it would allow the cost to be analyzed for the specific message by the short message service and/or the advertiser before the cost is actually incurred by sending the message. Thus, in such an example, the price may vary depending upon the specific message and the advertiser may be given the opportunity to send or not send the specific message based on the cost that has been calculated.

Amended claim 8 includes similar recitations including in response to receiving the content of the text message, automatically calculating a cost of sending the text

message to each of the mobile subscribers that satisfy the criterion, providing the calculated cost to the advertiser, and sending the text message to each of the mobile subscribers that satisfy the criterion upon receiving authorization to send the message from the advertiser based on the calculated cost. Thus, claim 8 is directed to giving the advertiser the opportunity to authorize sending of the text message based on the calculated cost for the specific text message.

In relation to claim 1, Hendrey does not disclose a cost calculator automatically calculating a cost per message prior to sending the message. Hendrey's only disclosure regarding cost is to say that monitoring effectiveness of messages allows for the determination of a structured payment. Relying on effectiveness of a message to determine how the payment for it should be structured implies that a particular message is sent to subscribers first, in order to measure effectiveness, and then determine payment structure thereafter. This is contrary to the recitations of claim 1.

Furthermore, with respect to claim 8, in addition to the reasons noted above, Hendrey also does not disclose that the advertiser authorizes the message to be sent based on the calculated cost. There is no discussion of authorization being required in Hendrey. Additionally, Hendrey's disclosure of the message being sent to determine its effectiveness, which is then used to determine a payment structure, implies that the message was sent prior to the payment structure being determined. Therefore, where the message is sent to subscribers prior to the payment structure being determined, then the advertiser has been given no opportunity to provide authorization based on calculated cost prior to the message being sent.

Based on the above, Applicants assert that Hendrey fails to disclose all of the elements of claims 1 and 8. Accordingly, claims 1 and 8 are allowable over Hendrey. Dependent claims 3, 5-7, 9, 15, and 16 depend from allowable base claims and are also allowable for at least the same reasons. Furthermore, one or more of these dependent claims recite additional features that are allowable over Hendrey. For example, claims 3 and 9 recite filtering the text of the message prior to it being sent, as discussed further below in relation to independent claims 17 and 23.

Claims 17-23

Amended claim 17 recites, in part, an advertiser manager platform in communication with the database, the advertiser manager platform including a text filter for filtering text in the text message based on predefined character strings prior to the text messages being sent and a short message system center in communication with the advertiser manager platform to send the text messages once they have been filtered. Thus, the text filter filters the text of the message so that certain text of a message may not be sent as it was received from the advertiser, such as to prevent offensive or other undesirable text from being sent to subscribers.

Amended claim 23 has similar recitations including third programmable means for filtering text in the text messages based on predefined character strings prior to the text messages being sent to the mobile subscribers that satisfy the criterion.

The Office Action previously stated that recitations similar to that of claims 17 and 23 were disclosed in Hendrey in relation to the rejection of claims 19, 21, and 25. However, Applicants assert that Hendrey fails to disclose a text filter that filters text of the text messages. Instead, Hendrey discloses filtering of entire messages, i.e., determining whether to send a whole message or not, based on profile information of the subscriber and/or advertiser. Hendrey does not disclose filtering based on particular text within a message as being compared to predetermined characters. Furthermore, determining whether or not to send a message at all based on some criteria, as in Hendrey, is different than filtering the text within a particular message as recited in the claims 17 and 23.

Accordingly, Applicants assert that Hendrey fails to disclose all of the elements of claims 17 and 23. Therefore, claims 17 and 23 are allowable over Hendrey. Dependent claims 18-22, 24, 27, and 28 depend from allowable base claims and are also allowable for at least the same reasons. Furthermore, one or more of these dependent claims recite additional features patentable over Hendrey.

103 Rejections

Claims 12 and 15 stand rejected under 35 USC 103(a) as being unpatentable over Hendrey. As discussed above, these claims depend from an allowable claim 8 and are also allowable for at least the same reasons.

New Claims

Claims 29-37 have been added to capture a computer readable medium. Applicants assert that these claims are also allowable over the cited reference.

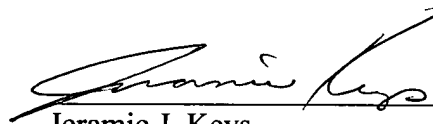
Conclusion

Applicants assert that the application including claims 1, 3, 5-9, 15-24, and 27-37 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees beyond the fee for one new independent claim are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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